

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 72984

Zahid Ibrar  
4518 Ashley Court  
Ellicott City MD 21043

6914 Dogwood Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on April 13, 2010, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 1B01.1, 1B01.1D, 428, 101, 102.1, Zoning Commissioner's Policy Manual (ZCPM), failure to cease the illegal parking/storage of unlicensed/inoperable vehicles, failure to cease the illegal service garage activities, failure to clean the exterior premises of all junk, trash and debris on residential property zoned DR 5.5 known as 6914 Dogwood Road, 21244.

On March 19, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Paul Cohen issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$33,000.00 (thirty three thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on January 28, 2010 for removal of untagged/inoperative motor vehicles, remove open dump/ junk yard, cease service garage activities, remove auto parts from this residential property. This Citation was issued on March 13, 2010.

B. Respondent Ibrar Zahid sent a letter to the Department of Permits & Development Management on March 25, 2010 stating "I don't own that property any more. It was sold in foreclosure on August 19, 2009." Court records show that the property is in foreclosure proceedings, with Report of Sale on August 21, 2009 and final ratification report of sale on February 26, 2010. Review of land records and tax files shows that the purchaser or foreclosing party have not recorded the transaction in county land records and have not updated the state property tax records to show a new owner. Notes in the file by Inspector Cohen state that the property tenant told him in April 2010 that he still pays rent to Mr. Zahid. Even if ownership has been transferred to a new owner, the new owner has failed to record the transaction and has not updated the property tax records. The County is entitled to send notices to the last owner of record, and has done so. BCC 3-6-203.

C. Photographs in the file show untagged vehicles parked outside at this residential property. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on the vehicles and make them operable, or remove them from the property.

D. Photographs in the file also show automotive repair equipment and supplies, including a mobile jack, tires, and large discarded auto parts. Automotive service garages are not permitted in residential zones; a residential garage can only be used for the storage of private motor vehicles and cannot be used to repair or equip vehicles. BCZR Section 101.1, Section 1B01.1.

E. Photographs in the file show junk, trash and debris in the yard of this residential property, including old tires and wheels, car parts, piled lumber or old windows, and other junk and trash. This violates prohibitions against the accumulation of junk, trash and debris on residential

property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2,000.00 (two thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$200.00 (two hundred dollars) if the violations are corrected by May 10, 2010.

IT IS FURTHER ORDERED that after May 10, 2010, the County may enter the property for the purpose of removing all untagged/inoperative motor vehicles that are stored outside, at the property owner's expense.

IT IS FURTHER ORDERED that after May 10, 2010, the County may enter the property for the purpose of removing all junk, trash, and debris, at the property owner's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 21<sup>st</sup> day of April 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer